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United States  
Department of  
Agriculture

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Food and  
Consumer  
Service

Mountain Plains  
Region

Reply to  
Attn. of: SP 98-12

1244 Speer Blvd.  
Denver, CO  
80204-3581

Subject: Milk Requirement under the National School Lunch  
Program

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas,  
(Child Nutrition Directors) Missouri ED, Montana OPI,  
Nebraska ED, North Dakota,  
South Dakota, Utah and  
Wyoming ED

Section 9(a)(2)(B) of the National School Lunch Act requires schools to offer, as part of a reimbursable lunch, "...a variety of fluid milk consistent with prior year preferences unless the prior year preference for any such variety of fluid milk is less than 1 percent of the total milk consumed at the school." Under this provision, which was enacted in 1994, schools must offer whole milk and low-fat milk, previously stipulated in the law, as well as other types of fluid milk, such as flavored milk or skim milk, that have proven popular with children. This statutory mandate was incorporated into the National School Lunch Program regulations in 1995.

When Congress enacted this provision, the term "low-fat" applied to milk with a designated fat content of between .5 percent and 2 percent. Beginning on January 1, 1998, the Food and Drug Administration (FDA) revised its labeling requirements to be in line with the general requirements of the Nutrition Labeling and Education Act. Under these new requirements, the term "low-fat" applies only to milk with a designated fat content of about 1 percent or less. For milk with a designated fat content of about 2 percent, the new term "reduced fat" is now applied. Consequently, there has been some question about what effect this change in labeling terminology may have on schools' milk purchasing practices.

The FDA's revision of the milk labeling requirements does not require schools to change their current milk selections. However, it does provide schools with the opportunity to offer children low-fat milk with lower fat content than in the past.

Schools may, therefore, offer children milk meeting the new definition of low-fat in place of milk meeting the prior definition. This means that schools may offer milk with a designated fat content of about 1 percent or less and meet the low-fat milk requirement. This complies with the intent of the statutory provision, which is to provide schools with flexibility in menu planning while encouraging milk consumption by ensuring that children continue to be able to choose from a variety of milk types and allowing schools to discontinue unpopular types of milk.

If you have any questions, please contact our office at (303) 844-0355.

*Mary Nielsen*

*for* ANN C. DEGROAT  
Regional Director  
Child Nutrition Programs